

AMENDED IN ASSEMBLY AUGUST 24, 2009

AMENDED IN ASSEMBLY JULY 6, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

Assembly Concurrent Resolution

No. 76

Introduced by Assembly Member Eng
(Coauthors: Assembly Members Furutani, Hayashi, Huffman,
Jones, Mendoza, and Swanson)

May 26, 2009

Assembly Concurrent Resolution No. 76—Relative to Day of Inclusion.

LEGISLATIVE COUNSEL'S DIGEST

ACR 76, as amended, Eng. Day of Inclusion.

This measure would acknowledge December 17 ~~as a~~ *each year as an annual* “Day of Inclusion” in recognition and appreciation of the priceless contributions of all immigrants to the greatness of the United States and California.

Fiscal committee: no.

1 WHEREAS, In 1886, the United States Supreme Court, in Yick
2 Wo v. Hopkins (1886) 118 U.S. 356, 369, stated that “the
3 fourteenth amendment to the constitution... says: ‘Nor shall any
4 state deprive any person of life, liberty, or property without due
5 process of law; nor deny to any person within its jurisdiction the
6 equal protection of the laws.’ These provisions are universal in
7 their application, to all persons within the territorial jurisdiction,
8 without regard to any differences of race, of color, or of
9 nationality”; and

1 WHEREAS, The Burlingame Treaty of 1868, which encouraged
2 the flow of Chinese immigration, was signed into law with the
3 intent to protect Chinese in the United States against discrimination,
4 exploitation, and violence in the United States; and

5 WHEREAS, Chinese immigrants arrived in large numbers and
6 greatly contributed to the advancement and progress of the United
7 States to its position as one of the world's greatest superpowers,
8 through contributions including assisting in building the first
9 transcontinental railway connecting the country from east to west
10 by laying down tracks throughout the dangerous Sierra Nevada
11 mountain terrain, parting the waters to build the vital levees of the
12 California Delta, and establishing California's world-class
13 agriculture and fishing industries; and

14 WHEREAS, The Chinese Exclusion Act of 1882 was the first
15 major law to single out and forbid a specific ethnic group, the
16 Chinese, from immigrating to and becoming naturalized citizens
17 of the United States, and was followed by the Geary Act of 1892,
18 which extended the prohibitions of the Chinese Exclusion Act of
19 1882 and imposed new and onerous requirements on Chinese
20 immigrants; and

21 WHEREAS, In the wake of the Chinese Exclusion Act of 1882
22 and the Geary Act of 1892, additional laws were enacted to
23 perpetuate discrimination and unequal treatment of Chinese and
24 other minority groups, including numerous antimiscegenation laws
25 that prohibited marriage between white women and men of
26 minority background or ancestry; the Alien Land Law of 1913 that
27 prohibited "aliens ineligible for citizenship" from owning land or
28 property; the Cable Act of 1922 that terminated the United States
29 citizenship of any woman who married an alien ineligible for
30 United States citizenship; the Immigration Act of 1924 that limited
31 the number of immigrants who could be admitted from any country
32 and prohibited the immigration of all Asians; and

33 WHEREAS, The Chinese fought against such unequal treatment
34 and filed hundreds of appeals, resulting in 17 cases being brought
35 before the United States Supreme Court, thereby invoking the
36 protections of the 14th Amendment to the Constitution of the
37 United States; and

38 WHEREAS, The Chinese Exclusion Act, passed on May 6,
39 1882, was finally repealed on December 17, 1943, by way of the
40 Magnuson Act, marking a turning point in societal reaction toward

immigrants and their common struggle for fairness and equality;
and

WHEREAS, An abundant list of Chinese Americans have contributed their time, energy, and talents toward the betterment and progress of this nation and all peoples; Jerry Yang (cofounder of Yahoo! Inc.), Charles Wang (founder of Computer Associates, Inc.), and others have founded and led some of this nation's great companies; John Liu Fugh (first Chinese American officer to attain the rank of General in the United States Army), Francis B. Wai (first Chinese American to receive the Medal of Honor), and others have contributed their lives in service to our nation; ~~Tsung-dao~~ *Tsung-Dao* Lee (Nobel Prize recipient in Physics), Roger Y. Tsien (Nobel Prize recipient in Chemistry), and others have contributed their great skills and talents to the fields of science and mathematics; Hiram Leong Fong (First Chinese American to be elected as a United States Senator), Thomas Tang (First Chinese American appointed to the Federal Judiciary), and others have led and continue to lead at all levels of government; and

WHEREAS, According to data from the 2000 United States Census, immigrant business owners generate \$67 billion of the \$577 billion in United States business income, or approximately 12 percent, as estimated by the federal Small Business Administration's Office of Advocacy; and

WHEREAS, Chinese Americans share many commonalities with other minority groups within the United States: all reside in the United States in search of opportunities to better their lives and the lives of their families, hope to fulfill their dreams through diligence and hard work, experience prejudice and discrimination from both society and government, and nevertheless succeed in many respects despite much adversity and many stresses and pressures; and

WHEREAS, Executive Order 9066, issued by President Franklin D. Roosevelt on February 19, 1942, allowed for the incarceration of 120,000 Japanese Americans without due process of the law as well as the discharge of Japanese Americans serving in the Armed Forces, and was followed by the establishment of the War Relocation Authority to administer the relocation of Japanese Americans to internment camps; and

WHEREAS, On August 10, 1988, President Ronald W. Reagan signed the Civil Liberties Act of 1988, which found that Executive

1 Order 9066 was caused by racial prejudice, war hysteria, and a
2 failure of political leadership, apologized on behalf of the people
3 of the United States for the evacuation, internment, and relocation
4 of Japanese Americans during World War II, and provided for
5 restitution to those Japanese Americans who were interned; and

6 WHEREAS, The repeal of the Chinese Exclusion Act of 1882
7 on December 17, 1943, 60 years after its enactment, marks the
8 date when the United States expressed a commitment to break
9 down cultural barriers, appreciate differences, enrich cultural
10 diversity, and further racial, religious, and cultural tolerance; and

11 WHEREAS, According to the data from the United States
12 Federal Bureau of Investigation, in concurrence with the ongoing
13 immigration reform debate, hate crimes targeting Hispanic
14 Americans rose 40 percent from 2003 to 2007, marking the ~~fourth~~
15 ~~consecutive year~~ *four consecutive years* of increases; and

16 WHEREAS, The amount of anti-Semitic extremist rhetoric and
17 activity has increased, causing Jewish Americans and institutions
18 to fall victim to bias-motivated violence; and

19 WHEREAS, Despite the commitment of the United States to
20 further racial, religious, and cultural tolerance, embodied by the
21 repeal of the Chinese Exclusion Act of 1882, intolerance and
22 discrimination against immigrants and minority groups persist,
23 and the 66th anniversary of the repeal of the Chinese Exclusion
24 Act of 1882, on December 17, 2009, represents a timely *and*
25 excellent opportunity for our nation to rededicate itself to the
26 eradication of intolerance and discrimination against immigrants
27 and minority groups; now, therefore, be it

28 *Resolved by the Assembly of the State of California, the Senate*
29 *thereof concurring*, That the Legislature joins all Californians
30 throughout the state in acknowledging December 17 ~~as a each year~~
31 *as an annual* “Day of Inclusion” in recognition and appreciation
32 of the priceless contributions of all immigrants to the greatness of
33 the United States and especially to our great state, California; and
34 be it further

35 *Resolved*, That the Chief Clerk of the Assembly transmit copies
36 of this resolution to the author for appropriate distribution.

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